

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

JOANNE LYNN PLUMLEY,

Plaintiff,

v.

CIVIL ACTION NO. 5:24-cv-00384

FRANK BISIGNANO,

Defendant.

ORDER

Pending are (1) Plaintiff's Request for Remand [ECF 8], filed October 23, 2024, and (2) Commissioner's Request to Affirm the Final Decision [ECF 9], filed November 20, 2024. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). [ECF 3]. Magistrate Judge Tinsley filed his PF&R [ECF 11] on April 22, 2025. Magistrate Judge Tinsley recommended the Court grant Plaintiff's Request for Remand [ECF 8], deny Commissioner's Request to Affirm the Final Decision [ECF 9], reverse the final decision of the Commissioner, and remand the matter to the Commissioner for further administrative proceedings pursuant to 42 U.S.C. § 405(g).

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*

Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on May 9, 2025. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 11], **GRANTS** Plaintiff’s Request for Remand [ECF 8], **DENIES** Commissioner’s Request to Affirm the Final Decision [ECF 9], **REVERSES** the final decision of the Commissioner, and **REMANDS** the matter to the Commissioner for further administrative proceedings pursuant to 42 U.S.C. § 405(g).

The Clerk is directed to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 27, 2025



A handwritten signature in black ink that reads "Frank W. Volk".

Frank W. Volk
Chief United States District Judge